

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GELLER & COMPANY LLC,

Plaintiff,

-against-

AUGENTIUS FUND ADMINISTRATION
(NEW YORK) INC., CRAIG DOLINICK, and
CHRISTOPHER CONROY,

Defendants.
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ALVIN K. HELLERSTEIN, U.S.D.J.:

SUMMARY ORDER

08 Civ. 11039 (AKH)


On July 28, 2009, the parties appeared before me for oral argument on Plaintiff's motion for a preliminary injunction and Defendants' motion to dismiss the Amended Complaint.

For the reasons stated on the record, and those set out in Condux Int'l, Inc. v. Haugum, No. 08-4824 ADM/JSM, 2008 U.S. Dist. LEXIS 100949 (D. Minn. Dec. 15, 2008), I hold that Count One of the Amended Complaint fails to state a claim under the Computer Fraud and Abuse Act, 18 U.S.C. § 1030. In addition, I decline to exercise supplemental jurisdiction over the remaining seven counts of the Amended Complaint, pursuant to 28 U.S.C. § 1367(c). Accordingly, Defendants' motion is granted, and Plaintiff's motion is denied.

The Clerk shall mark all pending motions as terminated, and the case as closed.

SO ORDERED.

Dated: July 28, 2009
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge